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session and refuses to deliver it up or have it recorded : *Pierce vs. Lamson*.

Mortgage—Continuance of as Security for new Indebtedness by oral Agreement.—Although a mortgage cannot, by an oral agreement, be continued in force as security for a new indebtedness, not embraced within the terms of its condition, yet, if such an agreement has been made, and money has been advanced in consequence thereof by the mortgagee to the mortgagor, a court of equity will not aid the latter, or one who has taken a conveyance from him with knowledge of the facts, in obtaining a release or discharge of the mortgage from the mortgagee : *Joslyn vs. Wyman*.

Mortgage—Right of Holder of second Mortgage to compel Holder of first to use due diligence, &c.—The holder of a second mortgage of real estate, which is subject to the mortgagor's right of homestead in a part of the premises, may, in a bill to redeem, compel the holder of the first mortgage, which is not subject to the right of homestead, after he has taken and maintained actual and exclusive possession for the purpose of foreclosure, for breach of condition, to account to him for all the rents and profits which by due diligence he might have received, including rent for the homestead : *Richardson vs. Wallis*.

NOTICES OF NEW BOOKS.

REPORTS OF CASES DETERMINED IN THE SUPREME COURT OF THE STATE OF ILLINOIS, during the years 1861 and 1862. By E. PECK, Counsellor at Law. Vol. XXVII. Chicago: E. B. Myers. 1863.

We have here the twenty-seventh volume of the Reports of a State which was almost an unbroken wilderness within the professional life of many members of the bar not yet retired from active service. It seems wonderful, in reading its great number and variety of cases, that so new a state should already present so large a proportion of those important and perplexing problems which occupy the attention of the judicial tribunals in countries of more extended commerce and more advanced social and civil relations. We notice here almost all the questions discussed and determined which we should expect to find in the current volumes of reports in any of the older states. And although in none of them is there much reference to cases out of the state, we cannot perceive but

the decisions adhere as closely to established principle, and to the latest precedents even, as those of any other state. We have had occasion before to express regret, and we cannot forbear to renew the expression of our regret, that so large a proportion of the more recent decisions in the most commercial of the American states, should be pronounced and reported with so little reference to the discussions and decisions upon the same or analogous questions in others of the American states and in England. The result must very soon be, that the jurisprudence of the several states will become so completely isolated, that there will cease to exist any common bond of union among them in that respect. And although this may seem of no great importance to the careless observer or the incurious student of social and civil progress, the philosophic expositor of history cannot fail in this symptom of isolation to foresee, or to forebode, the evil consequences of having one law at Rome and another at Athens, as being but the harbinger of greater and greater disintegration, in the very woof and web of social life among us.

This result has, naturally enough, thus far been attributed to want of access to books, want of leisure in the courts, and to other temporary or accidental causes. But we apprehend that more of this is fairly to be placed to the account of the fact that many of our new states are already becoming great empires in themselves, and that they can scarcely afford any longer to play the part of mere dependencies upon the older states whose whole material wealth and business is not one-tenth of their own.

Codification too has now been carried to such an extent, in most of the states, that each state has a distinct code of its own; and it is as much as the courts can attend to, so to frame their decisions as to secure symmetrical results with reference to their own local legislation.

This volume contains a large number, and in fact a large proportion, of cases involving important interests and important principles. Among these we may mention the subjects of Currency, Corporations, Internal Communication by Railways and Navigation, Negotiable Instruments, Partnership, Equity Jurisprudence, Real Estate, Taxes and Taxation, Wills, and the Settlement of Estates.

The Reporter, Mr. Peck, with his accustomed carefulness and good taste, has given us an accurate statement and analysis of the cases, and a very thorough and exhaustive index. We trust none of the public libraries in the law will fail to secure an early copy of these reports, and, for private libraries, few state reports will be found more valuable.

I. F. R.